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Fred Merrick; and Lora Cody

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 KEYHERRA GREEN ,

15 Plaintiff,

16 vs.

17 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; FRED MERRICK; LORA
18 CODY; and DOES 1-10, inclusive,

19 Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISCOVERY**

(Third Request)

20 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
21 cut-off date of July 8, 2021, be continued for a period of ninety (90) days up to and including
22 **October 6, 2021**, for the purpose of allowing the parties to complete written discovery, take

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depositions of the parties¹ and Rule 30(b)(6) witnesses and disclose expert/rebuttal expert witnesses.

I. DISCOVERY COMPLETED TO DATE

The parties have exchanged their initial Rule 26 Disclosures and multiple Supplemental Disclosures. Plaintiff has responded to written discovery (Interrogatories, Requests for Admissions, Requests for Production of Documents) propounded by each of the Defendants. Each Defendant has responded to numerous written discovery requests from Plaintiff. Currently the parties are attempting to resolve a discovery dispute about the production of certain documents.

The deposition of Defendant Merrick has been taken. The LVMPD Defendants served numerous third-party subpoenas; many out of state.

II. DISCOVERY YET TO BE COMPLETED

As stated above, the parties are currently trying to resolve a discovery dispute over privileged and confidential materials. However, because Counsel has such a good working professional relationship, the parties are hopeful it will be resolved without Court intervention. In addition, the LVMPD Defendants are still attempting to obtain responses to various out of state subpoenas.

The depositions of Defendant Cody and Plaintiff still need to be taken. Thereafter, additional third-party depositions may be noticed.

The parties will disclose expert reports and any necessary rebuttal expert disclosures.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

As the parties have stated in their prior requests, the issues in this case are complex. They involve Plaintiff's arrest for a murder which Plaintiff was not the correct suspect and

¹ Plaintiff is currently residing in the State of California.

1 another person was later arrested and convicted of the murder. The homicide occurred over three
2 (3) years ago. Because of the facts of this case, the materials and information related to it are
3 highly sensitive and confidential. In addition, Plaintiff resides outside the State of Nevada and
4 has been unavailable for her scheduled deposition. Records of non-parties from out of State are
5 required and are complex to obtain.

6 The parties have been diligent in their attempts to complete discovery, however more
7 time is needed. This Request is being made at this time so that it is timely and because retained
8 experts will need deposition transcripts to provide preliminary reports.

9 **PROPOSED EXTENDED DEADLINES**

10 The parties respectfully request this Court enter an order as follows:

11 **(A) Discovery Deadline.**

12 The current discovery cut-off date of July 8, 2021, should be extended for a period of
13 ninety (90) days, up to and including **October 6, 2021**.

14 **(B) Experts and Rebuttal Experts.**

15 The parties shall disclosed expert reports sixty (60) days before the close of discovery on
16 or before **August 9, 2021**. The parties will disclose rebuttal experts thirty (30) days prior to the
17 close of discovery, or by **September 8, 2021**.

18 **(C) Dispositive Motions.**

19 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
20 motions for summary judgment, and all other dispositive motions shall be filed and served no
21 later than thirty (30) days after the close of discovery, or by **November 5, 2021**.

22 **(D) Motions in Limine/Daubert Motions.**

23 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
24 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and

1 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with
2 leave of the Court.

3 **(E) Pretrial Order.**

4 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later
5 than thirty (30) days after the date set for filing dispositive motions, or by **December 6, 2021**,
6 unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall
7 be suspended until 30 days after the decision on the dispositive motions or further order of this
8 Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included
9 in the final pretrial order.

10 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**
26-3

11 In accordance with LR ~~26-4~~, applications to extend any date set by the discovery plan,
12 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
13 supported by a showing of good cause for the extension. All motions or stipulations to extend a
14 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
15 the expiration of the subject deadline. A request made after the expiration of the subject deadline
16 shall not be granted unless the movant demonstrates that the failure to set was the result of
17 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
18 include:

- 19 (a) A statement specifying the discovery completed;
- 20 (b) A specific description of the discovery that remains to be completed;
- 21 (c) The reasons why the deadline was not satisfied or the remaining discovery was
22 not completed within the time limits set by the discovery plan; and
- 23 (d) A proposed schedule for completing all discovery.

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1 This request for an extension is made in good faith and joined by all the parties in this
2 case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and
3 dispositive motions have not yet been filed. Accordingly, this extension will not delay this case.
4 Moreover, since this request is a joint request, neither party will be
5 prejudiced. The extension will allow the parties the necessary time to complete discovery.

6 DATED this 19th day of April, 2021.

7 KAEMPFER CROWELL

PETER GOLDSTEIN LAW CORP

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By: /s/ Peter Goldstein

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14 *Lora Cody*

Attorneys for Plaintiff

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16 **IT IS SO ORDERED.**

17 DATED this 20th day of April 2021.



18
19 DANIEL J. ALBREGTS

20 UNITED STATES MAGISTRATE JUDGE